

**WISCONSIN DEPARTMENT OF TRANSPORTATION  
WISCONSIN DEPARTMENT OF CORRECTIONS  
WISCONSIN DEPARTMENT OF HEALTH AND FAMILY SERVICES**

**EVALUATION OF ALTERNATIVES TO INCARCERATION  
FOR REPEAT DRUNKEN DRIVING**

**PHASE 1: DATABASE SEARCH**

JULY 18, 2001

PREPARED BY:

THE DIERINGER RESEARCH GROUP, INC.



# Table of Contents

	<u>Page</u>
Introduction.....	1-6
Study Background.....	2
Study Research Objectives .....	2
Focus of This Report.....	4
Drunk Driving Law in Wisconsin.....	5
Summary and Conclusions.....	7-10
Background .....	8
Findings.....	8
Main Findings .....	11-38
Background .....	12-14
Section One – Personal Sanctions on the Driver.....	15-23
Introduction.....	15
Incarceration.....	15
Detention Facilities for Repeat Offenders .....	18
Home Confinement.....	19
Intensive Supervision Probation.....	19
Pretrial Intensive Supervision Program (ISP).....	20
Individualized Sanctions.....	21
Work Release.....	21
Community Service Work .....	21
Restricted Plea Bargaining.....	22
Fines.....	22
Harsher Sanctions for Persistent OWI Offenders.....	23
Victim Impact Panels.....	23
Other Personal Sanctions .....	23
Section Two – Treatment and Education of the Driver .....	24-27
Introduction.....	24
Treatment Programs.....	24
Dedicated OWI Treatment Facilities .....	25
Use of Alcoholics Anonymous .....	26
Diversion into Education or Treatment Programs .....	26
Section Three – Licensing Sanctions on the Driver.....	28-30
Introduction.....	28
Administrative License Suspension (ALS).....	28
Harsher Sanctions for Offenders Who Drive After Revocation/ Suspension of License.....	29

# *Table of Contents*

Section Four – Sanctions on the Vehicle .....	31-34
Introduction.....	31
Seizure of the Vehicle.....	31
Disabling the Vehicle .....	32
Vehicle Forfeiture.....	32
Devices Allowing the Offender to Drive Under Specified Conditions .....	32
Ignition Interlock Device (IID).....	33
Seizure of the License Plates .....	34
Use of Special Stickers or License Plates on Offender’s Vehicles .....	34
Section Five – Additional Advice on OWI Measures.....	35-36
Tiered BAC Limit, With Greater Sanctions for Higher BAC .....	35
Lower BAC Limit for Previous Offenders .....	35
Treat Juvenile OWI Offenders as Adults and Retain Their OWI Records...	36
Harsh Penalties for Refusal to Take BAC Test.....	36
Section Six- Administrative Supports to Dealing with Repeat OWI Offenders.....	37-38
Effective OWI Tracking System for Gathering Data .....	37
Judicial OWI Seminars .....	38
Special OWI Courts.....	38
Court Monitoring.....	38
Appendix – Bibliography of Sources.....	39-45

# INTRODUCTION

# ***Introduction***

## ***Study Background***

This research project is being conducted as a result of the 1999 Wisconsin Act 109, Section 88 (1) that requires that:

“The Departments of Corrections, Health and Family Services and Transportation shall jointly study and evaluate the desirability of using treatment programs and other alternatives to incarceration as a way to reduce the length of incarceration or the need for incarceration of a person convicted of a second or subsequent violation of operating a motor vehicle while under the influence of an intoxicant, controlled substance or other drug.”

At the request of the above mentioned departments, The Dieringer Research Group (The DRG), acting as an independent research consultant, has been contracted to conduct the research study. Russell G. Brooker, Ph.D. is the study’s principal researcher and author. Laura M. Cleary is the Project Manager. Richard W. Yob is the Account Manager. The DRG recommended the Study of Evaluation of Alternatives to Incarceration for Impaired Driving to be conducted in three phases, as outlined below.

Phase One: Secondary Data Collection

Phase Two: Primary Data Collection

Step One: Milwaukee and Madison, Wisconsin

Step Two: Green Bay, Superior, Wausau, Eau Claire, and La Crosse, Wisconsin

Step Three: All 72 Wisconsin counties

Phase Three: Analysis/Interpretation of Study Findings

This document presents the findings of Phase One.

## ***Study Research Objectives***

Phase One:

- Review available research literature, public policy and program issues of practices of alternatives to incarceration for repeat impaired driving offenders nationwide.

Phase Two:

- Identify the practices currently being utilized in Wisconsin as alternatives to incarceration for repeat impaired driving offenders in these categories:
  - Elements of the adjudication process (arrest through post-sentencing).
  - Penalty structure/sentencing guidelines (fines/forfeitures, incarcerations, demerit points, license suspension/revocation, occupational license eligibility, AODA assessment/driver safety plans, work release privileges)
  - County jail diversions programs  
(deferred prosecution, bail monitoring, electronic monitoring, treatment alternative programs, deferred payment agreements, community service programs, home detention programs).

Phase Three:

- Assess and evaluate the effectiveness of the various practices.

# *Introduction*

For this first phase, The DRG conducted a comprehensive literature search of numerous databases, primarily utilizing the services of a worldwide research and business intelligence service, FIND/SVP, in New York.

This research has found there are many alternative strategies for dealing with drinking drivers. Research consistently shows that one particular strategy by itself is not effective with many drinking drivers; it takes a variety of strategies used in combination to effectively fight the menace of motorists operating their vehicles while intoxicated (OWI)<sup>1</sup>.

For several years, public pressure has encouraged state and local governments to be “tougher” on drinking drivers—frequently with mandatory incarceration. This research report, using a wide variety of secondary sources, finds that incarceration definitely has its place in combating OWI, but that place varies in different circumstances and is usually most effective when used with other sanctions and education or treatment.

This report also finds that it is improper to frame the issue of incarceration and alternative measures as “incarceration vs. alternatives.” Incarceration is most effective when used with other measures, and frequently the other measures are most effective when used in conjunction with incarceration. This report examines the alternatives to incarceration for the repeat offender, but incarceration is not left out of the analysis; some of these alternatives work best when used as part of a whole systematic approach, which may include incarceration.

This report summarizes the results of many research projects conducted over the last 20 or so years. These research projects take many forms, including:

- Case studies of the best practices of jurisdictions fighting drunk driving
- Experiments in which one or more variables are manipulated in one “test” jurisdiction but not in another “control” jurisdiction
- Descriptions of drunk driving measures in one or more jurisdictions

Rather than have separate sections for case studies, for experiments, and for descriptions, all three types of research are integrated in this report. The report is organized by subject rather than by methodology. In the research, we did not find any jurisdiction that has “solved” the problem of drunk driving; there is no “silver bullet.” However, we did find many jurisdictions that have implemented successful measures and have successfully addressed drunk driving. Each research study mentioned in this report is cited, with a complete reference in the bibliography.

The study of the effectiveness of anti-OWI measures is hampered by the haphazard nature of research studies and the variability of their quality. While there is a great number of research studies that examine the problem of drunk driving and what should be done about it, they almost always study one specific area at one specific time, and the applicability to Wisconsin in 2001 is often limited. In addition, the studies frequently have methodological problems such as biased samples, limited access to data, and lack of long-term measurement. Typically, these problems are unavoidable because of lack of funds or access to confidential records, but they confound understanding the effectiveness of measures designed to combat drunk driving.

---

<sup>1</sup> Note on language: Drunk driving is called several things, such as Operating While Intoxicated (OWI), Driving While Intoxicated (DWI), and Driving Under the Influence of Alcohol or Other Drugs (DUI). This report will use OWI to conform to typical usage in Wisconsin. However, when quoting reports or laws, the original terminology will be quoted.

# ***Introduction***

While reading this report, one should keep in mind that it is a literature review, not the definitive solution to drunk driving. This report summarizes the published experiences of a variety of geographical areas over the last two decades. Just as different jurisdictions have had different experiences, conditions have changed over the years. Like most things in life, the world of drunk driving is always in flux, as is the research on drunk driving. Therefore it is not surprising that there are many examples of both agreement and disagreement in the findings of research studies. Both the areas of agreement and disagreement are noted in this report.

## ***Focus of This Report***

This report will focus on measures to combat drunk driving—specifically on measures other than incarceration in dealing with repeat OWI offenders. Although repeat offenders make up only about one-third of the convictions in Wisconsin, they account for a disproportionate number of crashes and alcohol-related automobile deaths<sup>2</sup>.

This report will also focus on the repeat offender from the moment of arrest—that is, it will address the issues that begin when the driver has been detected and stopped. It will not address issues that occur before a specific OWI violation occurs, such as whether the blood alcohol limit should be .10% or .08%, or how prevention programs should be structured. It will also not address patrolling or detection strategies. The focus of this report will be on the OWI process immediately after a police officer determines that the stopped driver is operating his or her vehicle while intoxicated. The entire OWI sequence is identified in the list below. This report begins at step 8:

Before the OWI violation takes place:

1. Legal strategies (e.g. BAC limit laws)
2. Prevention programs (e.g. underage drinking prevention programs)
3. Publicity programs (e.g. OWI awareness campaigns)
4. Enforcement strategies (e.g. OWI information tracking systems)

At the scene of the OWI violation:

5. Detection
6. Arrest
7. Collection of evidence
8. Administrative measures (e.g. Administrative License Suspension—ALS)

After the violation:

9. Adjudication
10. Conviction
11. Disposition (which may include punishment, treatment, education, work release, or education release)

---

<sup>2</sup> For information on the disproportionate effect of repeat offenders see Simpson and Matthews (1991), which is cited on p. 21 of this report.

# ***Introduction***

## ***Drunk Driving Law in Wisconsin***

The first Wisconsin law against operating a vehicle while intoxicated was enacted in 1849, long before automobiles were invented. In 1911, the first law in Wisconsin concerning driving a motor vehicle went into effect. The law also prohibited riding in an automobile while intoxicated. There was a fine for the first offense, and the possible penalties for second and subsequent offenses included incarceration. In 1921, the law was changed, including provisions for incarceration for first-time offenders. There were no references to second and subsequent offenders.

A specific blood alcohol content (BAC) law was first enacted in Wisconsin in 1949; the law specified .15% as *prima facie* evidence of intoxication, although additional corroborating evidence was also needed.

In 1969, Wisconsin's Implied Consent Law was enacted. According to this law, a driver of a vehicle on a highway is considered to have given his or her consent to submit to a chemical alcohol test when requested by a police officer. In 1973, the *prima facie* BAC was reduced to .10%, but the need for corroborating evidence was retained. By 1973, the penalty for the first offense no longer allowed the option of jail time.

A 1981 law dropped the need for corroborating evidence for drivers with BAC of .10% or more. It eliminated the ability of prosecutors to plea bargain OWI offenses to lesser offenses. It required alcohol assessment as a condition of sentence for every person convicted of OWI, and it established a surcharge fund for the purpose of helping to underwrite the assessment and treatment of alcoholism or other drug abuse problems of OWI offenders.

In 1983, a law changed the minimum legal drinking age from 18 to 19 and created an absolute sobriety provision for persons under the legal drinking age. In 1985, when the legal drinking age was changed to 21, the absolute sobriety provision was left at age 19.

In 1988, a law took effect that created immediate (30 days after the violation) license suspension for six months (Administrative Suspension) for any person with a BAC of .10% or greater. In 1993, a law took effect that created new penalties and treatment opportunities for OWI repeat offenders, including possible seizure of vehicles, increased penalty for Homicide by Intoxicated Use, a *per se* limit of .08% for persons with two or more prior OWI offenses, and easier access to treatment.

In 1999, Act 109 made several substantive changes, including increased penalties for repeat offenders, lowered prohibited alcohol concentration in some instances, such as creating a .02% *per se* limit after the third OWI offense, and expanded the ability for courts to use ignition interlock devices (IIDs).



## Introduction

Currently in Wisconsin, the possible penalties increase with each OWI offense. For example, the penalties for a first offense include a fine or forfeiture of \$150 - \$300, license revocation of six to nine months, and immediate access to an occupational license. There is no provision for jail time for a first OWI offense. Penalties for a second OWI offense include a fine of \$350 - \$1,100, five days to six months in jail, 12 – 18 month license revocation, and access to an occupational license after 60 days. Penalties increase to the fifth and subsequent OWI offenses. Laws and penalties are somewhat complex, and it is beyond the scope of this report to list them all. For a more detailed information, see *1999 Wisconsin Alcohol Crash Facts*, Section 3 “Legal Sanctions.” All the information in this section is from that document. Tables showing OWI and related alcohol penalties in effect on January 1, 2001, are on pages 11 – 13 of that document. This document may be accessed online at <http://www.dot.state.wi.us/dtim/bts/safety-facts.htm>.

In 1999, more than 37,500 drivers were arrested in Wisconsin for OWI. During that year, approximately 35,000 cases were adjudicated in Wisconsin, for offenses occurring in 1999 or previously. Of the adjudicated cases, over 92% resulted in convictions. The following table shows the percentage of cases with each disposition:

<b>Dispositions from 1999 of Adjudicated OWI Citations</b>	
<b>Outcome</b>	<b>Percent</b>
Guilty	92.2
Not guilty	0.2
Dismissed	4.2
Amended	3.4
<b>TOTAL CASES</b>	<b>35,190</b>
Source: <i>1999 Wisconsin Alcohol Crash Facts</i> , Section 5 “Alcohol Convictions,” p. 20 <a href="http://www.dot.state.wi.us/dtim/bts/safety-facts.htm">http://www.dot.state.wi.us/dtim/bts/safety-facts.htm</a>	

Of the drivers convicted of OWI in Wisconsin in 1999, almost two-thirds were first-time offenders. The breakout of offenders in 1999 is:

<b>Number of OWI Offenses for Drivers Convicted in 1999</b>	
<b>Number of Offenses</b>	<b>Percent</b>
First offense	64.6
Second offense	18.8
Third or subsequent offense	16.6
<b>TOTAL CONVICTIONS</b>	<b>32,434</b>
Source: <i>Pretrial Intoxicated Driver Intervention Grant Program: Biennial Evaluation Report, WI DOT, 2000.</i>	

## **SUMMARY AND CONCLUSIONS**

# Summary and Conclusions

## Background

The 1999 Wisconsin Act 109, Section 88 (1) requires the Wisconsin Departments of Corrections, Health and Family Services, and Transportation to jointly study and evaluate the desirability of using treatment programs and other alternatives to incarceration as a way to reduce the length of incarceration or need for incarceration of persons convicted of a second or subsequent violation of operating a motor vehicle while under the influence of an intoxicant, controlled substance or other drug. The study will be conducted in three phases.

The research objectives of Phase One were to review available research literature, public policy and program issues of practices of alternatives to incarceration for repeat impaired driving offenders nationwide and identify examples of best practices including detailed case study profiles. To do this, The DRG conducted a comprehensive literature search of numerous databases, primarily utilizing the services of a worldwide research and business intelligence service, FIND/SVP, in New York.

## Findings

The literature on OWI includes many “lessons” on dealing with the drinking driver. Following is a list of experts’ suggestions that seem to appear regularly. These are “overall” or *gestalt* suggestions. One cannot necessarily go to one specific source to find a certain suggestion. In fact, if a suggestion is made by only one or a few sources, it does not appear on this list. The reader should keep in mind that these are not suggestions or “lessons” from The Dieringer Research Group. The DRG is not an authority on drunken driving. All of the following suggestions come from literature reviews of people who have studied the issue in depth from many different perspectives.

The main “lessons” are below. [*Wisconsin practices are in square brackets for reference.*]

- There should be a variety of measures to use on drunk driving offenders. The most appropriate ones should be used in combination with each other. No one measure, or set of measures, is most effective on every offender. [*Wisconsin uses a variety of measures.*]
- Sanctions and/or treatment and educational programs should be tailored for each offender. Virtually all of the sources say that an assessment should be made of each offender. [*Assessment has been required by Wisconsin law since 1981.*]
- Almost all of the researchers conclude that there should be sanctions. They conclude that without sanctions, many drunken drivers do not take the penalties seriously. Although some favor treatment or education alone, most say that sanctions should be included with that treatment or education. Treatment is not a substitute for sanctions, and sanctions are not a substitute for treatment. [*Wisconsin uses both sanctions and treatment or education, as appropriate.*]
- All offenders should be closely monitored to ensure that they are meeting program requirements—and penalties for not meeting the requirements should be certain and immediate. [*Wisconsin monitors compliance with Driver Safety Plan—required treatment or education.*]

## Summary and Conclusions

- Although different analysts recommend a variety of measures, the single most popular measure seems to be Administrative License Suspension (ALS). [*Wisconsin has used ALS since 1987.*]
- Since one of the most important sanctions is suspension or revocation of the offender's driver's license, researchers stress that sanctions on convicted offenders who drive after losing their licenses should be particularly harsh.
- Because persistent drinking drivers cause a greatly disproportionate share of the alcohol-impaired vehicle crashes and deaths, any fight against drinking drivers should emphasize the repeat offenders. Unfortunately, these "hard core" offenders are more likely to have alcohol problems and are less likely to be influenced by "rational" sanctions such as threats of fines or incarceration. For these offenders, the emphasis should be on incapacitation rather than on deterrence. Vehicle confiscation or immobilization may be necessary. [*Wisconsin jails only repeat offenders, with longer mandatory minimum sentences with each subsequent offense.*]
- It is vital to keep good records. Without good records, offenders who have been caught driving drunk can pass themselves off as "first time offenders" several times. Many researchers oppose allowing "first time" offenders to escape having the OWI conviction included on their records because doing so allows them to repeatedly be "first time" offenders. [*Wisconsin counts prior offenses for a person's lifetime.*]
- For almost all of the researchers, incarceration—or at least the threat of it—is very important as one tool to fight drunken driving. By itself, it is not particularly effective, but it can be very useful when used with other measures. Some, but not all, of the situations in which incarceration can be valuable are:
  - ✓ As a sanction for an offender who violates the terms of his or her probation
  - ✓ As part of a combination of sanctions—such as one week of incarceration followed by two months of intensive probation.
  - ✓ As a sanction for an offender driving after his or her driver's license has been taken away
  - ✓ As a sanction to "get the attention" of an offender to participate in an education and/or treatment program

[*Wisconsin law provides for the possibility of incarceration for the second and all subsequent offenses.*]

- Long-term incarceration for repeat offenders is not effective in changing the offenders' behavior after release, but it does get the offender off the streets for the term of the sentence. However, the financial cost of widespread long-term incarceration to the state is prohibitively high. [*Wisconsin does not practice widespread long-term incarceration.*]

## Summary and Conclusions

- Generally, the swiftness and sureness of a sanction is more important for deterring drinking drivers than the severity of the sanction.
- The studies consistently find that more effort is more effective. That is, more intensively supervised probation is usually more effective than less supervised probation. Programs that are better funded and more intensive are more effective than those that are not. *[Wisconsin expends significant resources in its OWI education and treatment programs to ensure that they are tailored to individual offenders and are as effective as possible.]*
- In implementing any program to fight drunk driving, it is vital to gain the support of all the interested parties, such as judges, prosecutors, and probation officials. If one or more of these individuals do not understand or agree with the program, they can subvert it or make it unenforceable. For example, if judicial officials perceive drunk driving sanctions as too harsh, they will reduce charges or impose only minimal penalties. *[Various departments of the anti-OWI effort work well together in Wisconsin. Wisconsin's statutory OWI penalties give judges a minimum-maximum range for fines, jail time and driver's license suspension, but judges are also given sentencing guidelines within judicial administrative districts to help increase the consistency in sentences for given aggravating and mitigating circumstances.]*

## **MAIN FINDINGS**

## ***Background***

The search for measures to combat drunk driving is an old one. There have been many suggestions over the years. One common reaction from many citizens is a demand that sanctions be more severe. As the public has asked for harsher penalties, the state and local governments have responded. The federal government has also involved itself in the issue. As part of the Drunk Driving Prevention Act of 1998, Congress established the Section 410 Program (in 23 U.S.C. 410). The main focus of the Section 410 Program is to provide grants to states that meet certain criteria aimed at fighting drunken driving. The provisions of the 410 Program have been altered over the years, but the main criteria that states have been called on to meet, and are relevant to this report, are listed below.

- Establish an Administrative License Suspension or Revocation System
- Establish a Program for Drivers with high BAC
- Establish Self-Sustaining Drunk Driving Prevention Programs
- Establish an effective tracking system for tracking DUI offenses
- “Other innovative programs”

*[Wisconsin has met Section 410 requirements since they began and has used the funds to underwrite a variety of innovative drunk driving programs.]*

Other interested parties have also made suggestions. One is a group of OWI experts who met at a U.S. Transportation Research Board (TRB) Workshop on the Persistent Drinking Driver in 1994. They listed several recommendations for government policy in dealing with drunk drivers. The eight recommendations relevant to this report are listed below.

1. All States need the basic foundation of providing for prompt and certain revocation of the driving license for first and repeat offenders--the sanction found to be most effective. Administrative License Revocation (ALR) is the best way to achieve this goal.
2. States should improve their traffic records and the delivery system for information to the courts and the police officers on the road. In this way, prosecutors and judges will have access to the complete prior record of the offender when charging and sentencing. In addition, the officer coming in contact with a driver will have the ability to quickly ascertain if that driver is legally licensed to drive and if that driver has been involved in an alcohol-related driving offense in the past. This information will allow officers to accurately identify, at the scene, repeat offenders and those who are driving illegally. The officer then can apply the full range of administrative sanctions the state permits to be taken against these offenders.
3. Driving while a license is suspended, revoked, or otherwise invalid, because of a DWI or a related offense, such as for a refusal to submit to a breath test, should be treated as a very serious offense.
4. States should eliminate programs that permit drivers arrested for DWI to avoid losing their licenses by entering a treatment or education program. Any treatment or education program should be in addition to the loss of license. Entering such programs could help to shorten the suspension period or be made a condition of relicensure. In the same vein, entering such a program should not result in the DWI arrest not appearing on the driver's record.

## Background

5. For those drivers who persist in driving with a suspended license for a DWI offense, the next step is to separate them from the vehicle they were driving when caught driving illegally, and possibly from any other vehicle to which they might have access. As has been proven effective with the licensing sanction, this vehicle sanction should be applied administratively, although it may take a number of forms. For example, the vehicle can be impounded, immobilized, or confiscated, or the license plates can be seized.
6. Licenses reinstated following a DWI conviction should carry a lower legal BAC limit. Alcohol detected at or above this lower limit would be a basis for revoking a driver's license again.
7. All juvenile DWI offenders should be prosecuted as adults, and the record of these offenses should be preserved after the offender reaches adulthood. These actions will permit early identification of young adults who are becoming persistent drinking drivers.
8. Refusal to take a breath test should receive the same or greater administrative penalty as a positive test result.

(These recommendations may be found at: <http://mir.drugtext.org/druglibrary/schaffer/Misc/driving/s1p3.htm>.)

The following list is only a subset of measures that have been tried in the United States. The main part of this report will examine the myriad of alternatives systematically. The page number of this report that discusses each measure is also listed below:

1. Personal Sanctions on the Driver	<u>Page</u>
• Incarceration .....	15
• Detention Facilities for Repeat Offenders.....	18
• Home Confinement .....	19
• Intensive Supervision Probation.....	19
• Pretrial Intensive Supervision Program (ISP) .....	20
• Individualized Sanctions .....	21
• Work Release .....	21
• Community Service Work.....	21
• Restricted Plea Bargaining.....	22
• Fines .....	22
• Harsher Sanctions for Persistent OWI Offenders .....	23
• Victim Impact Panels .....	23
• Other Personal Sanctions .....	23



# ***Background***

## 2. Treatment and Education of the Driver

- Treatment Programs .....24
- Dedicated OWI Treatment Facilities.....25
- Use of Alcoholics Anonymous .....26
- Diversion into Education or Treatment Programs.....26

## 3. Licensing Sanctions on the Driver

- Administrative License Suspension (ALS)..... 28
- Harsher Sanctions for Offenders Who Drive  
After Revocation/Suspension of License .....29

## 4. Sanctions on the Vehicle

- Seizure of the Vehicle .....31
- Disabling the Vehicle.....32
- Vehicle Forfeiture .....32
- Devices Allowing the Offender to Drive Under Specified Conditions.....32
- Ignition Interlock Device (IID).....33
- Seizure of the License Plates.....34
- Use of Special Stickers or License Plates on Offenders' Vehicles.....34

## 5. Additional Advice on OWI Measures

- Tiered BAC Limit, with Greater Sanctions for Higher BAC.....35
- Lower BAC Limit for Previous Offenders.....35
- Treat Juvenile OWI Offenders as Adults and Retain Their OWI Records .....36
- Harsh Penalties for Refusal to Take BAC Test.....36

## 6. Administrative Supports to Dealing with Repeat OWI Offenders

- Effective OWI Tracking System for Gathering Data.....37
- Judicial OWI Seminars.....38
- Special OWI Courts .....38
- Court Monitoring.....38

# ***Section One: Personal Sanctions on the Driver***

## ***Introduction***

All of the studies on sanctions against drunk driving agree that the speed and sureness of the sanctions are more important in deterring OWI than their severity. Efforts aimed at increasing the speed and certainty of punishment are much more likely to be effective than efforts to increase the severity of the punishments.

## ***Incarceration***

It may seem strange to begin a report on “alternatives to incarceration” with a section on incarceration. However, it is included here to show that:

- A. short-term incarceration, by itself, is most effective on first-time offenders, not repeat offenders,
- B. long-term incarceration, by itself, is not effective in changing the attitudes or behavior of repeat offenders,
- C. the cost of a widespread long-term incarceration strategy would be cost-prohibitive, and
- D. incarceration can be used in a comprehensive program of treatment and education.

This section is also included because many discussions of alternative measures often compare those measures to incarceration. We could find no source that recommends incarceration alone.

The issue of incarceration is also addressed in the next section of this report, Treatment and Education of the Driver. This is because many institutions that confine offenders do so in order to treat them. There is no perfect rule about whether a facility that confines offenders against their will should be considered “incarceration” or “treatment.” In this report, facilities that exist principally to treat offenders will be covered in the Treatment and Education section.

- A. Short-Term Incarceration: Several states have mandatory short-term incarceration built into their OWI sanctions. Incarceration may be less than a day in jail for first-time offenders or for more than a year in prison for repeat offenders.

Studies on the effectiveness of incarceration show mixed results. Several studies have found that short-term incarceration can work on first-time offenders to “get their attention.” For example, one study (Compton 1986) found a 40% decrease in recidivism in Tennessee after a mandatory two-day sentence was imposed on first-time offenders. Another study in Minnesota (Falkowski 1984) found a 20% reduction in nighttime injury accidents after two-day jail terms began being imposed on first-time offenders. However, another study in the state of Washington (Grube and Kearney 1983) could not find any decrease in alcohol-related fatalities after a quasi-mandatory (subject to the judge’s discretion) incarceration penalty was imposed.

In a review of several studies about drunk driving (1995), H. Laurence Ross concluded that jail is not effective in reforming offenders. He found that it is most successful at temporarily incapacitating drunk drivers.

*“However, in no jurisdiction are jail stays by routine offenders long enough to reduce their driving exposure by more than a small amount, and in many jurisdictions jail sentences are possible in theory but not in practice due to a lack of facilities.”*

## Section One: Personal Sanctions on the Driver

One problem that several studies have pointed out is that sometimes judges perceive the incarceration punishments as too severe, or crowded jails make incarcerating drunk drivers less feasible. In those cases, offenders may not be sentenced as often as the law would seem to indicate. For example, in a 1983 National Institute of Justice study of Seattle and Los Angeles after the adoption of mandatory jail laws, conviction rates dropped from 80% before the law to 60% after, while deferred prosecution rose from 1.5% to 12%. In Los Angeles, judges granted more probation sentences, and only 25% of first-time offenders were incarcerated (cited in Wheeler and Hissong, 1988). [*The Wisconsin conviction rate is 92%.*]

In one program in New Hampshire, second offenders enter jail on Monday and are out by Thursday; they serve time but are out before the weekend, when the facilities are most heavily used. (<http://www.dwidata.org/treatment/how.cfm>).

Sometimes, the incarceration takes place in special facilities devoted to OWI cases. In Maryland, one program has the offender stay in a special OWI facility for 28 days, followed by at least a year of intensely supervised probation. This program has proved to be effective, although more with first-time offenders than repeat offenders (Voas and Tippetts, 1990).

- B. Long-Term Incarceration: Longer sentences do not appear to have any perceptible impact on offenders' subsequent behavior (Ross 1992). Apparently, the sureness and swiftness of incarceration is more important than the severity. In one study in Australia, longer periods of imprisonment seemed to encourage re-offending for OWI, instead of the other way around (Homel, 1988). In a study in Norway and Sweden, traffic deaths decreased after legal reforms were adopted in 1988 and 1990 that abandoned mandatory incarceration (Ross and Klette, 1995).
- C. Cost of Incarceration: One study conducted in the 1980s (Wheeler and Hissong, 1988) concluded that fines and probation were superior to incarceration as a measure to deal with drunk driving because they are as effective as incarceration but have several advantages, especially cost-effectiveness. They studied 397 convicted offenders in Harris County (Houston), Texas, and found no differences in the effectiveness of three alternative measures (fines, probation, and jail) on three-year recidivism. The study results are shown on the following table:

<b>3-Year* Recidivism Rates for 397 Harris County, Texas, DWI Offenders</b>		
<b>Sanction</b>	<b>Offender Status</b>	
	<b>DWI First</b>	<b>Prior DWI Conviction</b>
Fine	14%	19%
Probation	11%	10%
Jail	8%	25%
<i>Sample Size</i>	329	68
No differences are statistically significant ( $p > .10$ )		
*Three years is counted from the original filing date of the DWI offense to the filing date of a reconviction DWI offense.		
Source: Wheeler and Hissong (1998).		

## Section One: Personal Sanctions on the Driver

Besides the cost, the study authors pointed out some other problems with incarceration:

- General deterrence: With overcrowded jails, the threat of incarceration has become “a sham” with little credibility or deterrent effect.
- Sentence equity: There are serious disparities in sentencing, with poor people more likely to be confined and only minimal variations between sentences of first-time offenders and repeat offenders.
- Potential for education and rehabilitation: The emphasis on mandatory jail time has possibly reduced availability of treatment programs aimed at changing offenders’ behavior.

One report (Simon, 1992) using Minnesota data found that long-term incarceration could be effective in lowering the number of alcohol-related deaths, but the cost in housing the offenders would be prohibitive. The report includes a table that shows that number of offenders who would be incarcerated and the number of estimated lives that would be saved. In a state where the prison population was 3,103 at the time of the study, if all offenders with two or more OWI arrests were confined for four years, the total OWI population alone would be 26,476 after four years and would result in saving 26 lives. The table showing different scenarios is below:

<b>Cumulative Prison Population of Repeat Offenders if Incarcerated for Four Years After Arrest</b>			
<b>Prior Arrests</b>	<b>Arrested Each Year</b>	<b>Number in Prison at End of Four Years</b>	<b>Lives Saved</b>
2+	6,619	26,467	26
3+	2,984	11,936	14
4+	1,361	5,444	7
5+	627	2,508	3
Source: Simon, S. (1992).			

The author concludes:

*“The limited effectiveness in the saving of lives by the long-term incarceration of repeat DWI offenders combined with the lack of existing space to incarcerate them and the tremendous cost of building new prison or jail space, should be a compelling argument against the adoption of felony-type, lengthy prison sentences.”*

## ***Section One: Personal Sanctions on the Driver***

D. Incarceration as Part of a Comprehensive Program: However, this same report (Simon, 1992) found that short-term incarceration was effective if it was included as part of a comprehensive program with education and treatment. Such a program is based on three main concepts or goals:

- Protection of the public through supervision of the offender
- Sanctions or punishment for the offender so that the offender is held accountable for his actions
- Treatment and/or education for the offender to provide the offender with the resources to deal with addiction, unemployment or lack of education (quoted from Larivee, 1991)

This report described a four-stage program used in Anoka County, Minnesota, that used incarceration as the first stage.

1. Incarceration, with offenders being allowed to go to work. A total of 73% serve between 30 and 119 days.
2. House arrest, with offenders being allowed to go to work. This stage lasts a minimum of two months.
3. The offender is no longer incarcerated but must be at the OWI facility during the evenings and weekends. This stage lasts a minimum of five months.
4. The last stage is traditional probation, which lasts for the rests of the offender's probationary period.

During Stages 2 and 3, the offender pays for 60% of the program costs. An offender who violates any rules during this process is subject to sanctions, including return to incarceration. Although the author clearly favors this program, he does not provide any data about its effectiveness. However, he did cite studies about the effectiveness of other programs that showed that program participants had lower rates of recidivism than other offenders (Morris and Tonry, 1990; Reis, 1983).

### ***Detention Facilities for Repeat Offenders***

As alternatives to traditional jails and prisons, many states have established facilities dedicated to repeat OWI offenders (see [www.dwidata.org/sanctions/incarceration.cfm](http://www.dwidata.org/sanctions/incarceration.cfm) for more discussion). These facilities typically provide confinement along with treatment. Detention usually ranges from two weeks to three months. Chicago's Haymarket House combines detention, community service, treatment, and payment of fines. Offenders are sentenced in one-week increments, with a maximum period of 28 days.

In New Hampshire's "Multiple DWI Offender Intervention Detention Center," offenders are required to attend by court order or as a condition of license reinstatement. The facility's program lasts seven days and includes a counseling and treatment program. The program costs \$950, which is paid by the offender. These fees cover about 50% of the facility's costs.

## ***Section One: Personal Sanctions on the Driver***

### ***Home Confinement***

One form of incarceration that is less costly than jail or prison time is home incarceration, often with some form of electronic monitoring (sometimes known as an Electronic Monitoring Program or EMP). The offender may be allowed to leave the home for pre-approved purposes such as work, treatment, or community service. Home confinement is typically enforced with random telephone calls and sometimes involves the offender blowing into an alcohol-breath tester while being monitored with a camera.

One study (Jones et al. 1992) found that that recidivism was 8% among offenders with home confinement, compared to 11.5% of a control group. Another study (Jones et al., 1997) studied Milwaukee and Los Angeles Counties. It compared repeat OWI offenders who participated in home confinement with electronic monitoring, those receiving intensive supervision probation with treatment, and those receiving traditional jail sentences. The study found that offenders receiving the home confinement and the intensive probation with treatment had lower one-year recidivism rates than those who served jail terms (this study is also relevant to the section below on intensive supervised probation).

There are two other benefits of home confinement. First, it is much less costly than institutional confinement; so more offenders can be confined at the same time within a specific budget. (In many programs, the offender is forced to pay the cost of his own confinement.) Second, offenders who stay at home have less opportunity to meet criminals in jail or prison and have an incentive to work, look for work, or participate in educational or treatment programs (Simpson, Mayhew, and Beirness 1996).

### ***Intensive Supervision Probation***

Intensive supervision probation involves probation that is much more intense than regular probation and typically includes more treatment and education services, as well as lower caseloads. One advantage of intensive supervision is that it is easier to get the offender to participate in an education or treatment program.

In one study in Maryland, offenders who were confined in a special OWI facility and then participated in intensive supervised probation were only one-fourth as likely to recidivate as those who had not participated in either program (Voas and Tippetts, 1990).

Another study in Minnesota sponsored by the Department of Public Safety found that over two to three years, the re-arrest rate for those participating in the program was 13%, compared to 28% for those who did not ([www.dwidata.org/sanctions/intense\\_super\\_prob.cfm](http://www.dwidata.org/sanctions/intense_super_prob.cfm)).

## *Section One: Personal Sanctions on the Driver*

### *Pretrial Intensive Supervision Program (ISP)*

A variant of intensive supervision probation is to conduct it before the trial. This program gets offenders into treatment as soon as possible—before conviction. Wisconsin has used Pretrial Intensive Supervision (ISP) since 1993. Milwaukee County first used it, and since 1993 nine other counties have begun using it. In this program, offenders are assessed and may undergo intensive supervision if they qualify for the program (typically offenders qualify if they have two or more OWI incidents and are not also being charged with a more serious offense, such as a violent offense). The program is different for each county but usually includes office visits, drug and alcohol tests, and drug and/or alcohol abuse treatment. In addition, some counties require the offenders to attend victim impact panels. Depending on the county, program participation usually lasts about three to six months.

The Milwaukee County ISP program was evaluated in 1996. In that study (Jones et al., 1996), 8.5% of a group of repeat OWI offenders who participated in this program recidivated within two years, compared to 16% of a control group. Some offenders told researchers that one reason for the program's success was that the repeated contact with the program and its staff reminded them of their offenses. That close contact helped them avoid returning to their old behaviors and provided them with direction and support over an extended period of time.

In a 2000 report, the Bureau of Transportation Safety (Division of Transportation Investment Management of the Wisconsin Department of Transportation) evaluated the ISP programs in all ten Wisconsin counties and found that (to quote the report):

- Repeat OWI offenders who successfully completed an ISP program were less likely to be re-arrested for OWI than were repeat offenders who did not participate in an ISP program. Collectively, the successful ISP participants were about one-third (8% versus 23%) less likely to be re-arrested.
- For the few repeat OWI offenders who successfully completed an ISP program and were re-arrested once for OWI, the average elapsed time (from their previous OWI arrest) was longer than for repeat offenders who did not participate in an ISP program. Collectively, the difference was nearly one-third longer (326 days versus 252 days).
- Repeat OWI offenders who successfully completed an ISP program were less likely to be re-arrested more than once for OWI than were repeat offenders who did not participate in an ISP program. Collectively, the successful ISP participants were nearly one-half (1.5% versus 2.7%) less likely to be re-arrested more than once.



# ***Section One: Personal Sanctions on the Driver***

## ***Individualized Sanctions***

A study (Jones and Lacey, 1998) of a program that offers individualized sanctions in Rockdale County, Georgia, was published in 1998. In this county, Judge William F. Todd, Jr. began the “Todd Program” in which he individually assessed sanctions on OWI offenders. The sanctions depended on an offender’s prior OWI convictions, BAC at the time of arrest, age, sex, circumstances surrounding the OWI incident, the offender’s demeanor and appearance in court, and the judge’s personal knowledge of the offender. In addition, Judge Todd maintained close and extended contact with the offenders during probation and/or treatment.

The study compared Rockdale County’s recidivism rate to neighboring Georgia counties that generally imposed only the minimal sanctions required by law. The study found that the recidivism rate in Rockdale was about half that of other counties. The results are shown in the following table:

<b>Georgia Recidivism Rate Comparisons</b>		
<b>Time Period</b>	<b>Rockdale County</b>	<b>Other Counties</b>
1 Year	6.0%	11.1%
4 Years	13.8%	24.7%
Source: Jones and Lacey (1998).		

## ***Work Release***

Most studies favor releasing offenders from jail or home confinement to go to work or to seek educational or treatment programs. Allowing them to keep their jobs allows for punishment and treatment but keeps the offender connected with his social system. Since many offenders have serious alcohol and/or drug problems, it would not make sense to deprive an offender of treatment. Because work release is always part of another program, we found no sources that measured the effectiveness of work release specifically. One advantage of work release is that it allows the authorities to tailor the program specifically to individual offenders.

## ***Community Service Work***

Community service could mean a variety of things, including picking up trash from highways and improving public parks and recreational facilities. It is usually used in conjunction with other types of sanctions, such as a condition of an offender’s probation. Although we could find no evidence in the literature that public service is effective in reducing recidivism, some anecdotal evidence indicates that having offenders perform disagreeable jobs in public view may have deterrence value.

In Arizona, some OWI prison inmates perform uniformed highly visible jobs, such as picking up trash. They are “paid” 75 cents per hour for their work, of which the state keeps 50 cents to pay for the program. This payment completely pays for the program.

Some problems associated with community service are the difficulty in finding appropriate work, the liability risk, the cost of supervision, and the offender’s failure to do the work satisfactorily (National Hardcore Drunk Driver Project).



# ***Section One: Personal Sanctions on the Driver***

## ***Restricted Plea Bargaining***

Some states allow offenders to plea bargain an OWI charge to a lesser charge, such as disorderly conduct. Most sources (e.g. [www.dwidata.org/prosecution/sentencing\\_factors.cfm](http://www.dwidata.org/prosecution/sentencing_factors.cfm)) oppose widespread plea-bargaining. They point out its negative consequences.

- Plea-bargaining undermines the credibility of the sanctions and reduces their deterrence value.
- It exempts the offender from programs that might be beneficial.
- It distorts law enforcement records so that the full OWI problem is not understood.

## ***Fines***

Fines are not discussed very often in the literature; it seems to be “assumed” that they are imposed. We found no evidence indicating that larger fines are more or less effective than smaller ones. Almost always larger fines are imposed for second and subsequent offenses than for first offenses.

One study that did look at fines (Yu, 1994) said that it appeared that when license withdrawal is mandatory, swift, and severe, fines may reduce drunk driving recidivism. That study also found that when license withdrawal was mandatory, an increase in the fine significantly reduced the incidence of recidivism. It also found that failure of authorities to actually collect the fines has undermined those fines as a source of deterrence. Other studies (cited in Yu, 2000) found that fines tended to reduce recidivism in Europe but were not very effective in the United States.

A comparison of American fines with European fines has shown that American fines are often much lower. In the United States, they averaged (at the time of the study) to about \$250, whereas in Europe they were frequently one and one-half month’s salaries, which was about \$1,500 (Ross, 1992).

One obvious advantage of fines is that the local or state government receives money, which reduces the cost of the OWI program to the taxpayers (although a percentage of fines are never collected). The revenue also allows the state to administer more, or more intensive, programs for the same amount of tax expenditure.

Many types of programs are not strictly fines, but they do involve the offender paying for all or part of his or her “service.” For example, an offender may pay for all or part of a treatment or education program, and sanctions that immobilize or limit the use of vehicles, such as ignition interlock devices, often require the offender to pay all or part of the program costs.

One condition of the Section 410 program is that drunk driving prevention programs are “self-sustaining.” Clearly, requiring the offender to pay for treatment is consistent with that condition.

## ***Section One: Personal Sanctions on the Driver***

### ***Harsher Sanctions for Persistent OWI Offenders***

One Canadian source (Simpson and Mayhew 1996) notes that hard core drinking drivers account for only about one percent of all drivers on the road at night but account for almost half of the fatal crashes at that time. They also make up 27% of all fatally injured drivers and almost two-thirds (65%) of all fatally injured drivers who have been drinking. They also account for about two-thirds of all convicted OWI drivers in Canada.

Because of the disproportionate amount of damage they do, several sources favor harsher sanctions imposed on the hard core OWI offenders. In fact, the punishments for second, third, and subsequent OWI convictions are virtually always higher than they are for first-time offenses. However, a serious problem with greater sanctions on multiple offenders is that those offenders are often alcohol abusers and tend to be the least rational people and are least affected by threats of sanctions. One study in New York State (Yu, 2000) found that “sanctions do not seem to effectively decrease the chance of recidivism of...offenders who demonstrate problem drinking behavior.”

Several studies (e.g. Simpson and Mayhew, 1991) say that the more severe the alcohol or drug problem, the more intensive the response of the authorities should be. However, if judicial authorities perceive the sanctions to be too harsh, they may avoid them by reducing the charges or imposing minimum penalties (Ross, 1992).

Many studies (e.g. Jacobs, 1990) point out that with recidivists, eventually the emphasis should shift from deterrence and treatment to incapacitation of the driver and/or vehicle (see Section 4 of this report).

### ***Victim Impact Panels***

Victim Impact Panels (VIPs) are community meetings in which victims and/or witnesses describe the experiences they or loved ones have endured because of drunk driving. The VIPs typically meet once a month. OWI offenders are sometimes required to attend as one of their sanctions. The purpose of a VIP is to increase the offender’s understanding of the consequences of drunk driving.

One study (Shinar and Compton, 1995) looked at data from two panels. It found that VIPs had had an impact on males over 35 years old in one panel but not in the other. The study also found that repeat offenders are less likely to be affected than first-time offenders. The study also found that multiple meetings work better than single meetings and that the meetings are more effective if the victims are matched with the offenders (for example, a teenage boy is more likely to be affected if he hears from another teenage boy). Another study (Russell, 1995) found that VIPs had psychological benefits to victims who participated in them.

### ***Other Personal Sanctions***

We have found other personal sanctions that are used, but we have not found studies that evaluate their effectiveness. They are:

- Printing offenders’ names in the local newspaper
- Requiring offenders to visit morgues to view drunk driving victims

## ***Section Two: Treatment and Education of the Driver***

### ***Introduction***

In one massive meta-analysis of 215 separate studies on the effects of remedial interventions with drunk driving offenders, the authors (Wells-Parker et al., 1995) found that treatment and education programs resulted in a 7% - 9% reduction in recidivism and alcohol-related crashes:

*“When records-based DUI recidivism was examined, the magnitude of the remediation effect on both DUI recidivism and alcohol-related crashes, in easily comprehensible terms, was in the range of a 7% – 9% reduction.”*

This meta-analysis by Wells-Parker et al. (1995) found that treatment programs should be individually designed for each offender. If they cannot be, the most effective programs would be those that combined types of programs for everybody:

*“In the absence of specific information that could permit assigning the most effective intervention to each offender, programs in which all participants receive treatment modalities with some education, psychotherapy, and follow-up—‘something for everyone’—might be the most effective type of intervention overall.”*

### ***Treatment Programs***

All sources on drunk driving support the use of treatment programs. It is extremely difficult to measure the effectiveness of rehabilitation programs in general because the programs are so different from each other. Generally, they tend to be more effective for first-time offenders and less effective for repeat offenders (like all measures).

All of the sources note that treatment is most effective when combined with other measures, such as incarceration, long-term counseling, education, and probation. As one source (Taxman and Piquero, 1998) said:

*“Various scholars have found that alcohol and drug education programs combined with punishment have reduced DWI recidivism among both first time and multiple offenders. The alcohol education sentence appears to augment the punishment of having a driver’s license taken away (Popkin et al., 1988; Tashima and Peck, 1986). Also, Sadler and Perrine (1984) found that repeat offenders who received treatment and license restrictions had fewer subsequent DWI convictions than individuals who received only full license suspension.”*

The study by Wells-Parker (1995) also found that combinations of programs tend to work better than individual programs:

*“Some combinations of modalities, in particular those including education, psychotherapy/counseling and some follow-up, such as contact probation, showed larger effect sizes than other modes, while simple contact probation tended...to be less effective than education or combination modes.”*

Another source (Mann et al., 1994) found that when treatment was optimally combined with counseling, education, fines, and other sanctions, it could reduce recidivism by 20% or more.

## ***Section Two: Treatment and Education of the Driver***

The sources also point out that close monitoring of the offender is vital to ensure program compliance—and that swift action is necessary to correct non-compliance.

A 1999 study (Jones and Lacey) was an evaluation of a day reporting center for repeat offenders in Maricopa County (Phoenix), Arizona. The Center is a highly structured non-residential facility offering supervision, reporting, employment, counseling, education, and community resource referrals. The study tracked 177 offenders who participated in the program. In exchange for program participation, they plea-bargained their charges down from felony OWI to misdemeanor OWI. All participants were screened to be non-violent and to meet other criteria. The study found recidivism rates to be the same for program participants and for participants in the standard probation program (8% after two years). It was much less expensive than jail and had an added benefit of helping offenders to get jobs, education, and treatment. One methodological problem with the study is that participants to this program were screened to be non-violent, while other offenders were not, thereby making the two groups of offenders less comparable.

Treatment often includes education. Education programs typically last two to six weeks, with 10–16 hours of classroom time. Wisconsin has two levels of education programs, one for first-time offenders and a longer one for multiple offenders. In Ohio, a Driver's Intervention Program (DIP) is mandatory on the first offense. It requires offenders to complete a 72 hour intensive pre-treatment educational program (<http://www.dwidata.org/treatment/how.cfm>).

### ***Dedicated OWI Treatment Facilities***

There are some dedicated OWI detention centers run specifically for residential treatment. Detention typically lasts from two weeks to three months. For example, Baltimore County runs a facility in Owings Mills, Maryland that provides both inpatient and outpatient care. Program participants are charged part of the program costs, which run from about \$10,000 to \$18,000 for a 28 day private residential treatment program. The 12 month and the 18 month recidivism rates are about 4%, compared to 35% for other OWI offenders (<http://www.dwidata.org/treatment/baltimore.cfm>).

The Longwood Treatment Facility in Massachusetts is a minimum-security prison for offenders with three or more OWI convictions. Inmates spend an average of 90 days in the facility. In a study conducted in the 1980s, the facility showed a 14% recidivism rate after 24 months, compared to a 25% rate for offenders in the state prison population. However, the facility has been criticized for not having any mandatory aftercare or structured monitoring program after the offender has left. The facility now houses other inmates besides OWI offenders (<http://www.dwidata.org/treatment/longwood.cfm>).

The Suffolk County DWI Alternative Facility in New York is a minimum-security facility. Program participants are hardcore multiple offenders who would otherwise be going to jail. Offenders typically spend three to five months incarcerated then three to five years on probation. Probation treatment varies in intensity. Failure to comply with program conditions result in the offender being returned to jail to serve the entire sentence. Program administrators have said that the recidivism rate for program participants is 18% for all criminal offenses (<http://www.dwidata.org/treatment/suffold.cfm>).

## ***Section Two: Treatment and Education of the Driver***

### ***Use of Alcoholics Anonymous***

Many OWI programs include offenders' participation in Alcoholics Anonymous (AA). Wells-Parker et al. (1995), in their review of 215 studies, found that *"use of Alcoholics Anonymous as the primary intervention showed negative results on DUI recidivism."* However, they did not conclude that participation in AA was useless. They noted that often the highest-risk offenders are forced to attend AA. They also noted that mandatory participation in the AA program might not be as effective as voluntary participation. In addition, they wrote that many programs that include AA as one component have been successful.

### ***Diversion into Education or Treatment Programs***

Many states allow convicted OWI offenders to "divert" from punishment into an education or treatment program. The "diverted" offender may avoid incarceration, license suspension, a fine, or an official OWI conviction on his or her record.

Pennsylvania has an Accelerated Rehabilitation Disposition (ARD) program that is available only to first-time offenders. If an offender completes the ARD program, all OWI charges are dropped. If the offender violates any program conditions, he can be dismissed from the program and OWI charges can be reinstated. The program can include license suspension for one to 12 months and court supervision for six to 12 months. The program cannot last longer than two years. About 70% of OWI charges in the state involve the ARD program ([www.dwidata.org/prosecution/diversion.cfm](http://www.dwidata.org/prosecution/diversion.cfm)).

The state of Washington has a program that is not limited to first-time offenders. It involves two years of treatment and a probationary driver's license for five years. If the offender completes the program, the OWI charges are dismissed. If the offender does not complete the program, a guilty verdict is summarily pronounced. A study found that offenders who completed the program had a recidivism rate of 22%, compared to 48% for offenders who did not participate in the program ([www.dwidata.org/prosecution/diversion.cfm](http://www.dwidata.org/prosecution/diversion.cfm)).

Although there is disagreement on the advisability of diversion, most sources, including the National Transportation Safety Board, disagree with allowing offenders to "divert" to non-punitive measures. They say that such diversion lessens the deterrent effect of sanctions and allows offenders to avoid having the OWI conviction on their records. This is the position of the Transportation Research Board. The TRB says,

*"States should eliminate programs that permit drivers arrested for DWI to avoid losing their licenses by entering a treatment or education program. Any treatment or education program should be in addition to the loss of license. Entering such programs could help to shorten the suspension period or be made a condition of relicensure. In the same vein, entering such a program should not result in the DWI arrest not appearing on the driver's record."*

## ***Section Two: Treatment and Education of the Driver***

The TRB notes that The National Transportation Safety Board (1984) and The Presidential Commission on Drunk Driving (1983) have recommended that diversion programs not be used in place of license revocation and that “diverted” participants should have records that indicate their offenses. The TRB also cites a study (Nichols and Ross, 1990) that shows that diversion to treatment leads to higher accident and violation rates than full license suspension.

Proponents of diversion say that states can use the program to the benefit of both sides—the offenders can get the treatment they need, and the state saves money by not incarcerating the offender. Proponents point out that diversion programs are usually only for first offenders, and if safeguards are built into the system, offenders could be stopped from using diversion twice. They also point out that in some states, if the offender is later re-arrested for OWI, the original offense can be re-classified and sanctions can be imposed.



## ***Section Three: Licensing Sanctions on the Driver***

### ***Introduction***

Revoking or suspending the offender's driver's license is probably the most common sanction imposed on drinking drivers. Many studies have found that "imposition of license revocations..." appears to be an effective tool, although more for first-time offenders than for repeat offenders (Taxman and Piquero, 1998).

### ***Administrative License Suspension (ALS)***

Several sources favor Administrative License Suspension. This type of suspension usually involves the arresting officer confiscating the offender's driver's license and giving the offender a receipt. The receipt serves as a temporary license to permit the offender to make arrangements for living without a license. The advantage of this system is that it is swifter and more sure than the judicial system, which could take months. There is no opportunity to plea bargain the OWI charge down to a lower level infraction. (Typically, the administrative arm handles license and vehicle sanctions but not personal sanctions, which are handled exclusively through the judicial process.)

This is one criterion in the Section 410 Program and the first recommendation from the TRB. The recommendation reads,

*"All States need the basic foundation of providing for prompt and certain revocation of the driving license for first and repeat offenders--the sanction found to be most effective. Administrative license revocation (ALR) is the best way to achieve this goal."*

The TRB says, along with several other sources, that the best way to maximize the deterrence effect of a law is to increase the certainty and swiftness of punishment, which can take several months in OWI cases.

The TRB cited one study (Zador et al., 1989) that found administrative revocation laws reduced fatal nighttime crashes by about nine percent. Another study (Sigmastat, 1989) found a six percent average reduction in fatal crashes.

One study (Ross 1991) found that administrative license suspension resulted in reductions in nighttime crashes of 5% to 9% in New Mexico, 4% in Minnesota, and 3% to 14% in Delaware. Another study in Manitoba, Canada (Beirness et al., 1997) found that offenders who were given 90 day administrative license suspensions were less likely to recidivate than offenders before the administrative license suspension was used. In addition, the time between the driver being charged and convicted decreased by almost 50%.

## ***Section Three: Licensing Sanctions on the Driver***

In a review of many drunk driving studies, H. Laurence Ross (1992) found that OWI sanctions generally did little to reform drunk drivers. However, he did find that the sanctions are useful for keeping the drunk drivers off the roads. The most important device for this purpose is the administrative suspension:

*“There is good evidence that current sanctions are at least partially successful from the viewpoint of incapacitation, keeping the known drunk driver off the road. Moreover, the way is indicated for achieving greater success. I refer principally to license actions, suspension or revocation of the drivers’ licenses of suspected drunk drivers....From the viewpoint of economical and effective incapacitation of offenders, administrative license suspension or revocation is probably the best legal sanction available.”*

Some people have criticized ALS for leading to loss of offenders’ jobs because they could not get to work. However, a 1996 study (Knowbel and Ross) sponsored by the National Highway Traffic Safety Administration (NHTSA) found that ALS does not actually have a great impact on offenders’ jobs and incomes. When 233 multiple offenders were asked how they got to work without driver’s licenses, the answers were:

- 22% said they drove themselves
- 41% said someone else drove them
- 15% took taxis
- 15% walked or rode bicycles
- 7% responded “other”

Another study sponsored by the NHTSA (1991) studied ALS laws in Nevada, Mississippi, and Illinois and found that increased revenues from license reinstatement fees more than offset the programs’ cost. Using a cost-benefit analysis of ALS, the study found that reductions in crash-related costs were over 100 times the cost of the program implementation.

### ***Harsher Sanctions for Offenders Who Drive After Revocation/Suspension of License***

The sources are nearly unanimous that penalties should be harsh for offenders who continue to drive after their licenses have been taken for OWI violations. This is a criterion in the Section 410 Program. According to documentation with Section 410, penalties could include suspension of the vehicle’s registration, seizure of the license plates, or special “drunk driving” license plates.

The TRB (Sweedler, 1996) favors treating driving while a license is withdrawn (and refusal to submit to a breath test) “as a very serious offense.” The recommendation of the TRB is:

*“Driving while a license is suspended, revoked, or otherwise invalid, because of a DWI or a related offense, such as for a refusal to submit to a breath test, should be treated as a very serious offense.”*



## *Section Three: Licensing Sanctions on the Driver*

According to the TRB:

- About 75% of suspended drivers continue to drive at least occasionally.
- The majority of traffic convictions and accidents that occur during periods of suspension or revocation are not prosecuted as suspension violations.
- Fines and jail sentences are often not levied against drivers convicted of suspension violations.
- According to Fatal Accident Reporting System (FARS) data for California for 1991 and 1992, 13% of all fatal-accident drivers were suspended or revoked at the time of their accidents. Considering that about six percent of all drivers had suspended licenses at the time, those with suspended licenses were approximately twice as likely to be involved in fatal accidents as all drivers.

We have not found any writers who think that driving illegally on an OWI suspended license is acceptable behavior. However, some studies have found that “even though researchers have found that many convicted drunk drivers continue to drive after license suspensions, the drivers maintain lower mileage and drive safer to decrease the likelihood of detection (Taxman and Piquero, 1998).”

---

<sup>3</sup> The facts cited here by the TRB should be viewed with caution. Although the TRB seems to imply that the driver’s licenses were suspended because of drunk driving, it does not say so explicitly. Licenses may have been revoked for other types of traffic offenses or non-traffic offenses. Therefore, we do not have data that explicitly concern OWI license suspensions.

## ***Section Four: Sanctions on the Vehicle***

### ***Introduction***

Sometimes repeat offenders persist in driving without valid driver's licenses. When that happens, sometimes the best solution is to remove the vehicles from the control of the drivers. The TRB (Sweedler, 1996) favors impounding or immobilizing the vehicles. The recommendation is:

*“For those drivers who persist in driving with a suspended license for a DWI offense, the next step is to separate them from the vehicle they were driving when caught driving illegally, and possibly from any other vehicle to which they might have access. As has been proven effective with the licensing sanction, this vehicle sanction should be applied administratively, although it may take a number of forms. For example, the vehicle can be impounded, immobilized, or confiscated, or the license plates can be seized.”*

### ***Seizure of the Vehicle***

Several states and Canadian provinces have provisions for confiscating the vehicles of drunk drivers. Sometimes, the vehicles are seized immediately under administrative action. Others are seized as a result of judicial actions. States vary on the reasons for impounding the vehicles; some do so only after several OWI convictions, and others do so if the offender drives with a suspended license.

The TRB cites a study (Rogers, 1994) that found that police-issued impoundment had one-half the recidivism rate (8% at 12 months and 13% at 24 months) compared with violators who had received no impoundment order.

A study in Manitoba, Canada (Beirness et al., 1997) found that offenders whose vehicles were impounded were less likely to recidivate than those who had been arrested before impoundment was used.

A program in San Francisco, the Traffic Offender Program (STOP) provides for a 30-day impoundment for any vehicle driven by a person with a suspended or revoked license or who has never had a license. Although the program is not aimed specifically at drunk drivers, it has been credited with reducing OWI. Over 14,000 vehicles were impounded in two years. In its first two years, the program was credited with reducing alcohol-related fatal and injury collisions by 63% and hit-and-run fatal and injury collisions by 43% ([www.dwidata.org/sanctions/impound.cfm](http://www.dwidata.org/sanctions/impound.cfm)).

One problem with vehicle seizure is the administrative burden of implementing the program. In addition, a study in Wisconsin found that an offender often has time to transfer the title of the vehicles to somebody else before it is “seized” (Wisconsin Department of Transportation, 1995).

Another problem is that although the offender usually pays the towing and storage costs, those expenses sometimes are greater than the vehicle's value, so the offenders just abandon them. The Wisconsin study found that seized vehicles are often worth less than the cost of seizing them.

## ***Section Four: Sanctions on the Vehicle***

However, members of the Wisconsin task force voted by ballot that vehicle seizure and/or forfeiture had the greatest deterrent effect when compared to Ignition Interlock Devices and vehicle immobilization (see below for discussions of these options).

One way San Francisco has brought in extra revenue is to force offenders to pay all outstanding parking tickets and by charging registration fees.

One problem with evaluating seizure programs is that states have been criticized for inconsistent application of the program, making the programs' effectiveness difficult to measure.

### ***Disabling the Vehicle***

Sometimes a jurisdiction might be justified in seizing a vehicle but does not have the facilities to store it. A jurisdiction may also not want to claim the vehicle if the owner fails to retrieve it (it may be worth less than the towing and storage costs). In these cases, a jurisdiction might disable the vehicle by putting a "boot" on a wheel that immobilizes it or a "club" that prevents anyone from driving it.

A study in Franklin County, Ohio (Voas et al., 1996) suggests that preventing the use of the vehicle for one to six months is a promising sanction for repeat offenders. It found that the program, whose primary component was immobilization, appeared to reduce recidivism even after the sanction was no longer in effect. However, the effects of the program are impossible to isolate because the state of Ohio began the immobilization program and an Administrative License Revocation law on the same day.

A Wisconsin study found that there can be logistical problems with vehicle immobilization, such as where the vehicle is parked and liability exposure of the law enforcement agency. In addition, immobilization can be an administrative burden if the vehicle is stored in a different jurisdiction, such as a different state (Wisconsin Department of Transportation, 1995).

### ***Vehicle Forfeiture***

Vehicle forfeiture is different from seizure or impoundment because the government keeps the vehicle. This measure is used for repeat offenders and offenders who drive after license suspension. A study in Portland, Oregon (Crosby, 1995), found that offenders whose vehicles were confiscated recidivated only half as often as those whose vehicles were not taken.

### ***Devices Allowing the Offender to Drive Under Specified Conditions***

Some sanctions involving the offender's vehicle allow the offender to drive under specified conditions, such as going to work or to educational or treatment programs. Two devices make these restrictions possible; both based on the time of the day the vehicle is used.

The first is an Autotimer. It does not stop the vehicle from being used, but it does record the times the vehicle is operated. The offender can operate the vehicle at any time but will be discovered if he or she drives it at improper times. The main disadvantage of this device is that the offender could drive the vehicle during the proper time for the proper purpose, but the offender could be intoxicated while driving.

## ***Section Four: Sanctions on the Vehicle***

The second device is a fuel lock. It permits the vehicle to be operated only at specific times of the day. A computer in the car keeps fuel from flowing to the engine at all other times. It has the same limitation as the Autotimer.

Neither the Autotimer nor the fuel lock has been used very much, and we know of no studies of their effectiveness.

### ***Ignition Interlock Device (IID)***

With this device, an offender may keep the privilege of driving when sober. A device called an Ignition Interlock Device (IID) or an Alcohol Ignition Interlock (AII) forces the offender to breathe into a testing unit. The vehicle will not operate if the BAC is higher than a pre-set level, such as .02 or .05. These devices are typically used in conjunction with other sanctions such as probation. The offender usually pays the cost of the device and its installation.

Studies have shown the IID to be effective. In one study in California (EMT Group, 1990), 3.9% of an IID group were re-convicted of OWI, compared to 5.5% of a control group. In an Ohio study (Morse and Elliott, 1990), the IID was tested on a group of first-time offenders with BAC levels of .20 or more. After two years, 3.4% of the IID group had been re-arrested for OWI compared to 9.8% of the control group. A study in Maryland (Beck et al., 1997) examined more than 1,380 alcohol offenders whose driver's licenses were either suspended or revoked for multiple alcohol offenses and who were eligible for license reinstatement after undergoing some treatment. The offenders were randomly assigned to a test group with an IID and a control group without one. After a year, the alcohol traffic violation arrest rate was significantly lower for IID participants than for members of the control group.

A yearlong study in West Virginia (Tippetts and Voas, 1996) found that offenders who had the IID installed had a recidivism rate of 1.6% compared to a 6.4% rate for a control group of offenders who had not had the device installed. A study in Alberta, Canada (Beirness et al., 1997), found that OWI offenders who had used an IID had significantly lower recidivism rates than a similar group of offenders who had not used the device. A 1998 study (Longest) using Maryland data found a 63% reduction in recidivism with the use of an IID.

A two-year study in Alberta, Canada, showed that drivers who used IIDs tended to adjust their driving so that by the end of their IID sentences, they "failed" their breath tests much less often than they did in the beginning. The same study compared IID use in two cities and found that in the city where offenders had access to educational support, case management support, motivational support, and help in planning, they tended to "fail" their breath tests less often. (The study was published before long-term recidivism could be measured for offenders in the two cities.) (Marques et al., 1999)

One advantage of IIDs is that they are relatively easy to administer. The Wisconsin task force voted that of the three alternatives, IID, immobilization, and seizure, the IID posed the least administrative burden (Wisconsin Department of Transportation, 1995).

The main limitation of the IID is its lack of long-term effect; after it is removed, recidivism rates goes up to the level of other offenders (Jones, 1993; Popkin et al., 1993; Marques et al., 1997).

## ***Section Four: Sanctions on the Vehicle***

### ***Seizure of the License Plates***

Some states allow the removal of the vehicle's license plates for OWI convictions or for driving with a suspended driver's license. In some states, plate seizure can take place after only one OWI conviction, in some it can take place only after two convictions, and in others, it takes place only after three convictions. A study in Minnesota showed that plate seizure was effective in reducing recidivism among multiple OWI offenders (Minnesota Dept. of Public Safety, 1990, cited in Simpson, Mayhew, and Beirness 1996).

Another study (Rodgers, 1994) found that when the Minnesota license plate impoundment law was administratively enforced, it had a significant impact on recidivism. The impact was greatest when the plate was taken by the arresting officer at the scene, rather than at a later time. This phenomenon is similar to the administrative suspension of the driver's license. Voas (1995) found that when the plate seizure was managed through the judicial system, only 6% of the eligible third-time offenders had their plates removed. But when the law was applied administratively, 68% of the third-time offenders had their plates impounded.

### ***Use of Special Stickers or License Plates on Offender's Vehicles***

Stickers: Two states (Washington and Oregon) have used special striped "zebra" stickers as sanctions against drivers who drove after their licenses had been suspended. The stickers were placed on the license plates of a vehicle stopped by officers in which the driver had a suspended driver's license. The officers placed the stickers on the plates at the time of the OWI stop. In implementing the program, police officers were more likely to stop the "zebra" vehicles than other vehicles.

A study in Oregon (Voas and Tippetts, 1994) showed that drivers with suspended licenses had fewer violations and were involved in fewer crashes after the stickers were used than before.

Both Washington and Oregon allowed the sticker laws to lapse, and no state is using stickers now.

Plates: Three states—Iowa, Minnesota, and Ohio—have enacted provisions for issuing special license plates to offenders with suspended driver's licenses. The special plates might have special numbers, letters, or colors. The police would know if an offender with a suspended driver's license owned the vehicle. Special plates are not being used today, and no known studies have measured the effectiveness of the special plates.

Some people have raised Constitutional issues with the stickers and special plates. People claimed that they unfairly brand anyone driving the vehicle as suspect and cause the police to stop innocent drivers without legitimate probable cause.

## ***Section Five: Additional Advice on OWI Measures***

Lowering the BAC limit from .10 to .08 is a contentious issue in much of the United States, including Wisconsin, and is beyond the scope of this report. However, there is much in the literature about sentencing; a great deal of it about differential sentencing for different BAC levels.

### ***Tiered BAC Limit, With Greater Sanctions for Higher BAC***

Drivers with higher BAC are much more likely to be involved in crashes than other drivers. For example, a driver with a BAC of .15 or above is 200 times more likely than the average non-drinking driver to be involved in a fatal crash (Simpson, Mayhew, and Beirness 1996). Even among the “drunk” drivers, those with a BAC of .15 are more likely to be involved in crashes than those with a BAC of .10.

Some states use tiered BAC systems (Simpson, Mayhew, and Beirness 1996). For example, Iowa and South Dakota require a substance abuse assessment if the offender’s BAC is over .20 (Iowa) or .15 (South Dakota). The state of Washington classified OWI offenses into two categories-- .10 to .15 and above .15. The severity of the penalties is greater for the higher BAC; for example, the minimum fine increases from \$350 to \$500 and the minimum incarceration increases from one day to two days.

Other countries use tiered BAC systems. Denmark uses five BAC levels (.08, .121, .151, .201 and over .25) and Germany uses four BAC levels (.08, .11, .16, and .20), with increasingly severe penalties at each level. In Victoria, Australia, the requirements for restoring a suspended license depend on the BAC level at the time of arrest (and on the offender’s age and prior OWI offenses).

Although the idea of a tiered BAC system seems obvious, we are not aware of any tests of its effectiveness in the literature.

### ***Lower BAC Limit for Previous Offenders***

Some sources favor lower BAC limits for people who have been convicted of OWI. The TRB favors this. The specific recommendation is:

*“Licenses reinstated following a DWI conviction should carry a lower legal BAC limit. Alcohol detected at or above this lower limit would be a basis for re-revoking a driver's license.”*

According to the TRB, when Maine lowered its BAC limit to .08 for the general population and to .04 for previous OWI offenders, nighttime fatal crashes declined 38% in the following three years. In comparison, within those same three years, nighttime fatal crashes increased 50% in neighboring states that did not change to lower BAC limits (New Hampshire and Vermont).

## ***Section Five: Additional Advice on OWI Measures***

### ***Treat Juvenile OWI Offenders as Adults and Retain Their OWI Records***

The Transportation Research Board favors treating juvenile OWI offenders as adults and retaining their conviction records so that the authorities will know if they are repeat OWI offenders. According to the TRB:

*“All juvenile DWI offenders should be prosecuted as adults, and the record of these offenses should be preserved after the offender reaches adulthood. These actions will permit early identification of young adults who are becoming persistent drinking drivers.”*

### ***Harsh Penalties for Refusal to Take BAC Test***

Because it is sometimes more difficult to obtain a OWI conviction without a breath test, and because lesser penalties are sometimes assessed if there is no breath test data, some OWI offenders refuse to take the tests. The Transportation Research Board recommends that refusal to take a breath test should carry the same or greater administrative penalties as a positive test result. The TRB recommendation is:

*“Refusal to take a breath test should receive the same or greater administrative penalty as a positive test result.”*

The TRB also favors counting a refusal to take the test as a positive test result.



## ***Section Six: Administrative Supports to Dealing with Repeat OWI Offenders***

Much of the literature addresses administrative or bureaucratic steps that can be taken to assist law enforcement and judicial officials to deal most effectively with repeat OWI offenders.

### ***Effective OWI Tracking System for Gathering Data***

This is a Section 410 Program criterion. It includes a database of the individual cases, from arrest to final disposition of the case. The database would serve several purposes:

- Keep track of all offenders so that one offender could not claim to be a “first-time offender” several times.
- Assess the effectiveness of sanctions and other measures taken to fight DUI.
- Inform authorities when offenders have been re-arrested.
- Provide basic statistics about case dispositions, including geographic and demographic information

This database would be absolutely essential to make sure drivers did not habitually claim to be first-time offenders and to determine how often offenders are caught driving with suspended or revoked driver’s licenses.

Having the database would be essential, but it would be much more effective if the information in it were given to the proper authorities when they needed them. “Proper authorities” would include the police officers on the streets, the prosecutors, the judges, the people operating the educational and treatment facilities, and others.

The Transportation Research Board recommends:

*“States should improve their traffic records and the delivery system for information to the courts and the police officers on the road. In this way, prosecutors and judges will have access to the complete prior record of the offender when charging and sentencing. In addition, the officer coming in contact with a driver will have the ability to quickly ascertain if that driver is legally licensed to drive and if that driver has been involved in an alcohol-related driving offense in the past. This information will allow officers to accurately identify, at the scene, repeat offenders and those who are driving illegally. The officer then can apply the full range of administrative sanctions the state permits to be taken against these offenders.”*

Others have called for “hot sheets” that police officers could use so that they could determine immediately if drunken drivers have previous records or suspended driver’s licenses. This knowledge could assist them in their decisions to apply administrative measures, such as Administrative License Suspension.

## ***Section Six: Administrative Supports to Dealing with Repeat OWI Offenders***

### ***Judicial OWI Seminars***

One source ([www.dwidata.org/prosecution/sentencing\\_factors.cfm](http://www.dwidata.org/prosecution/sentencing_factors.cfm)) points out that court officials, including judges, who do not understand the dynamics of OWI, may avoid imposing harsh or other appropriate penalties. This source argues for conducting seminars to inform and educate the court officials so that they work as part of the system fighting drunken driving.

### ***Special OWI Courts***

Some jurisdictions, such as the City of Chicago, have special courts that deal exclusively with OWI cases. In these courts, the prosecutors and judges become experts on dealing with drunk drivers ([www.dwidata.org/prosecution/sentencing\\_factors.cfm](http://www.dwidata.org/prosecution/sentencing_factors.cfm)).

### ***Court Monitoring***

In one study conducted in Maine (NHTSA, 1990), researchers found that if concerned citizens' groups monitored OWI court cases, conviction rates of offenders increased, dismissal rates declined, and sanctions became harsher, with more jail sentences and longer jail terms imposed.

# **APPENDIX**

## **BIBLIOGRAPHY OF SOURCES**

## ***Appendix – Bibliography of Sources***

Beck, K.H., Rauch, WJ., and Baker, EW 1997. *The sects of Alcohol Ignition Interlock License Restrictions on Multiple Alcohol Offenders: A Randomized Trial in Maryland*. Insurance Institute for Highway Safety, Arlington, Virginia.

Brown, David, B., Maghsoodloo, Saeed, 1991. *The Evaluation of Alcohol and Drug Assessment Programs in Alabama and El Cajon, CA*. Association for the Advancement of Automotive Medicine, Toronto, Canada

Crosby, I.B. 1995. *Wetland's Asset Forfeiture Program: The Effectiveness of Vehicle Secure in Reducing Rearrest Among "Problem" Drunk Drivers*. A joint project by Reed College Public Policy Workshop and the City of Portland Bureau of Police Asset Forfeiture Unit.

DeYoung, David, J., January, 1995. *An Evaluation of the Effectiveness of California Drinking Driver Programs*. California Department of Motor Vehicles

EMT Group. 1990. *Evaluation of the California Interlock Pilot Program for DWI Offenders*. Sacramento, CA.

Falkowski, K. 1984. *The Impact of Two-Day Jail Sentences for Drunk Drivers in Hennepin County, Minnesota*. DOT HS 806 839. Final Report. Washington, DC: National Highway Traffic Safety Administration.

Federal Register. December 1998. *"Rules and Regulations" Incentive Grants for Alcohol-Impaired Driving Prevention Programs*. Federal Information & News Dispatch, Inc.

Grube, J.W. and Kearney, K.A. 1983. A 'Mandatory' Jail Sentence for Drinking and Driving. *Evaluation Review* vol 7, no. 2: 235-245.

Hedlund, J. 1995. *Commentaries: Comments on Wells-Parker et al's article "Final results from a meta-analysis of remedial interventions with drink/drive offenders,"* *Addiction*. 90: 1593-1594

Hedlund, James, December 1995. *Meta-analysis helps to define the policy-relevance of drink driving research*. University of Minnesota. *Addiction*, vol. 90, no. 12: 1593-1594.

Jones, B. 1993. *The Effectiveness of Oregon's Ignition Interlock Program*. In: H.D. Utzelmann, G. Berghaus, and G. Kroj (eds.) *Alcohol, Drugs and Traffic Safety – T92, Band 3*: 1460 – 1465. Cologne, Germany: Verlag TUV Rheinland.

Jones, R.K., Wiliszowski, C.H., and Lacey, J.H. 1996. *Evaluation of Alternative Programs for Repeat DWI Offenders*. National Highway Traffic Safety Administration, Washington, D.C. DOT HS 808 493.

Jones, R.K., Lacey, J.H., Berning, A. and Fell, J.C. 1996. *Alternative Sanctions for Repeat DWI Offenders*. In: 40<sup>th</sup> Annual Proceedings of the Association for the Advancement of Automotive Medicine, pp. 307 – 315. Des Plaines, IL: AAAM.

## ***Appendix – Bibliography of Sources***

Jones, Ralph, K., Lacey, John, H., August 1999. *"Final report" Evaluation of a day reporting center for repeat DWI offenders.* Report prepared for US Department of Transportation NHTSA, People Saving People, Winchester, Massachusetts.

Jones, Ralph, K., Lacey, John, H., December 1998. *"Final report" Evaluation of an individualized sanctioning program for DWI offenders.* Report prepared for US Department of Transportation NHTSA, Washington DC

Jones, Ralph, K., Lacey, John, H., Wiliszowski, Connie, H., January 1998. *Problems and Solutions in DWI Enforcement Systems* (final report) U.S. Department of Transportation, Washington DC

Kenkel, Donald, 1998. *A Guide to Cost-Benefit Analysis of Drunk-Driving Policies.* Journal of Drug Issues, vol. 28, no. 3: 795-812.

Kenkel, D.S., 1993. *Drinking, driving, and deterrence: The effectiveness and social costs of alternative policies.* Journal of Law and Economics, vol. 36: 877-913.

Knowbel, K.Y., and Ross, H.L. 1996. *Effects of Administrative License Revocation on Employment.* National Highway Traffic Safety Administration, Washington, D.C.

Larivee, J., 1991. *Day Reporting in Massachusetts: Supervision, Sanction and Treatment.* Overcrowded Times, vol. 2, no. 1: 7-8.

Longest, Darrel, L., JD, May/June 1998. *Ignition Interlocks: Are They the Silver Bullet for Fighting DUI/DWI?* IDU: 49.

Longest, Darrel, L., JD, Fall, 2000. *What is the Future for Ignition Interlocks?* IDU: 77-78.

Mann, R.E., Anglin, L., Wilkins, K., Vingilis, E.R., Macdonald, S., and Sheu, W.-J. 1994. *Rehabilitation for convicted drinking drivers (second offenders): effects on mortality.* Journal of Studies on Alcohol, Addiction Research Foundation, Toronto, Ontario, Canada. 55, 372-374.

Marques, Paul R., Voas, Robert, B., December, 1999. *Behavioral Monitoring of DUI Offenders with the Alcohol Ignition Interlock Recorder.* Addiction, 94: 1861-1870.

Martin, Susan E., Preusser, David, F. 1995. *Enforcement Strategies for the Persistent Drinking Driver.* Strategies for Dealing with the Persistent Drinking Driver, Transportation Research Board, Transportation Research Circular No. 437. National Research Council: 38.

Morris, M., Tonry, M., 1990. *Between Prison and Probation.* Oxford University Press, New York

Morse, B.J., and Elliott, D.S. 1990. *Hamilton County Drinking and Driving Study: 30 Month Report.* Boulder, CO: University of Colorado Institute of Behavioral Science.

## ***Appendix – Bibliography of Sources***

National Hardcore Drunk Driver Project. Prosecution.  
[www.dwidata.org/prosecution/](http://www.dwidata.org/prosecution/)

National Hardcore Drunk Driver Project. Sanctions.  
The Century Council [www.dwidata.org/sanctions/](http://www.dwidata.org/sanctions/)

National Hardcore Drunk Driver Project. Treatment.  
The Century Council  
[www.dwidata.org/treatment/](http://www.dwidata.org/treatment/)

National Highway Traffic Safety Administration. 1991. *Cost-Benefit Analysis of Administrative License Suspensions*. National Highway Traffic Safety Administration. DOT HS 807 689.

National Highway Traffic Safety Administration. October 1996. *State Legislative Fact Sheet*. National Highway Traffic Safety Administration, U.S. Department of Transportation, Washington, D.C.

National Highway Traffic Safety Administration. November 1997. *Summary of Important Statutory Provisions and Court Decisions Concerned with Drunk Driving*. National Highway Traffic Safety Administration, U.S. Department of Transportation, Washington, D.C.

Nichols, J.L., and Ross, H.L. 1990. *The effectiveness of legal sanctions in dealing with drinking drivers*. Alcohol, Drugs and Driving. vol 6, no. 2: 33-60.

Ohio Department of Public Safety, June, 1994. *Hot Sheet News*. Columbus, Ohio

Perrine, M.W., Peck, R., and Fell, J., 1989. *Epidemiologic perspectives on drunk-driving*, In *Surgeon General's Workshop on Drunk Driving: Background Papers*. U.S. Department of Health and Human Services, Public Health Service, Office of the Surgeon General, Rockville, MD

Piquero, A., & Palernoster, R., 1998. *An Application of Stafford and Warr's reconceptualization of deterrence to drinking and driving*. Res Crime and Del, vol. 35, no. 1: 3-30.

Popkin, C., Stewart, J., and Lacoy, J., 1988. *A follow-up evaluation of North Carolina's alcohol and drug education traffic schools and mandatory substance abuse assessments: Final report*. Chapel Hill, NC: Highway Safety Research Center, University of North Carolina.

Popkin, C.L., and Wells-Parker, E. 1994. *A research agenda for the specific deterrence of DWI, J* Traffic Med. vol. 2, no. 1: 1-14.

Radler, D., and Perrine, M., 1984. *An evaluation of the California drunk-driving countermeasure system: Volume 2, In the Long-Term Traffic Safety Impact of a Pilot Alcohol Abuse Treatment as an Alternative to License Suspensions*. California Department of Motor Vehicles, no. 90, Sacramento, CA

## ***Appendix – Bibliography of Sources***

Rodgers, A. *Effect of Minnesota's license plate impoundment law on recidivism of multiple DWI violators*. Alcohol, Drugs, and Driving, vol. 10, 1994: 127-134.

Ross, H.L., 1991. *Administrative License Revocation for Drunk Drivers: Options and Choices in Three States*. AAA Foundation for Traffic Safety, Washington, DC

Ross, H.L. 1992. *Are DWI sanctions effective?* Alcohol, Drugs and Driving, vol. 8, no. 1. UCLA Brain Information Service/Brain Research Institute, Los Angeles, California: 61-69.

Ross, H.L., 1973. *Law, Science and accidents: the British Road Safety Act of 1967*. The Journal of Legal Studies, vol. 2: 1-78.

Ross, H.L., Simon, S., and Cleary, J. 1996. *License Plate Confiscation for Persistent Alcohol Impaired Drivers*. Accident Analysis and Prevention 28: 53 – 61.

Russell, A. 1995. *Citizen activists' assessments of the DUI problem, public attitudes, and selected responses to the drinking driver*. Strategies for Dealing with the Persistent Drinking Driver. Transportation Research Board, Transportation Research Circular No. 487. Washington, D.C. National Research Council: 69-71.

Shinar, D., and Compton, R.P. 1995. *Victim impact panels: their impact on DWI recidivism*, Alcohol, Drugs and Driving. vol. 11, no. 1: 73-87.

Sigmastat, Inc. *Changes in Alcohol-Involved Fatal Crashes Associated with Tougher State Alcohol Legislation*. National Highway Traffic Safety Administration, Washington, D.C., July, 1989.

Simon, Stephen, M. 1992. *Incapacitation alternatives for repeat DWI offenders*. UCLA Brain Information Service/Brain Research Institute, University of Minnesota, Minneapolis

Simpson, H.M., and Mayhew, D.R. 1991. *The hard Core Drinking Driver*. Ottawa, Ontario: Traffic Injury Research Foundation of Canada.

Simpson, H.M., Mayhew, D.R., and Beirness, D J. 1996. *Dealing With the Hard Core Drinking Driver*. The Traffic Injury Research Foundation, Ottawa, Canada.

Sweedler, Barry, M., 1996. *Strategies for Dealing with the Persistent Drinking Driver*. National Transportation Safety Board, Washington, D.C.

Tashima, H., and Peck, R., 1986. *An evaluation of the California drunk driving countermeasure system: Volume 3, In An Evaluation of the Specific Deterrent Effects of Alternative Sanctions for First and Repeat DUI offenders*. California Department of Motor Vehicles, Sacramento, CA

Taxman, Faye, S., Piquero, Alex, 1998. *On Preventing Drunk Driving Recidivism: An Examination of Rehabilitation and Punishment Approaches*. Journal of Criminal Justice, vol. 26, no. 2: 129-143.



## ***Appendix – Bibliography of Sources***

Tippetts, A. S., and Voas, R.B. 1996. *The Effectiveness of the West Virginia Interlock Program*. The Pacific Institute, Bethesda, Maryland.

Traffic Injury Research, 1996. *The Hard Core Drinking Driver: Prevention Programs*. The Hard Core Drinking Driver, Canada Safety Council

U.S. Department of Transportation, May, 1996. *Effects of Administrative License Revocation on Employment*. National Highway Traffic Safety Administration

Voas, R.B. and Tippetts, A.S. 1993. *Are Licensing Sanctions Effective at Reducing Impaired Driving?* Paper presented at national Transportation Research Board Meetings, January 13, 1993.

Voas, R.B., and Tippetts, A.S. 1994. *Assessment of Impoundment and Forfeiture Laws for Drivers Convicted of DWI: Phase II Report*. Washington: National Highway Traffic Safety Administration.

Voas, Robert, B., Holder, Harold, D., Gruenewald, Paul, J., June 1997. *A community prevention trial to reduce alcohol-involved trauma*. Addiction 92 (Supplement 2), S221-S236 Society for the Study of Addiction to Alcohol and Other Drugs. Berkley, California

Voas, R.B. 1995. *Can administrative programs control the persistent drinking driver?* Strategies for Dealing with the Persistent Drinking Driver, Transportation Research Board, Transportation Research Circular No. 437. Washington, D.C. National Research Council: 52-56.

Voas, R.B, Hause, J.M., 1987. *Detering the drinking driver: the Stockton experience* Accident Analysis, vol. 19: 81-90.

Voas, R.B. and Tippetts, A.S., 1990. *Evaluation of treatment and monitoring programs for drunken drivers*. Journal of Traffic Medicine 18: 15-26.

Voas, R.B., Tippetts, A.S., and Taylor, E. 1996. *The Effect of Vehicle Impoundment and Immobilization on Driving Offenses of Suspended and Repeat DWI Drivers*. 40th annual proceedings of the Association for the Advancement of Automotive Medicine, Vancouver, British Columbia.

Wells-Parker, E., Bengert-Drowns, R., McMillen, R., and Williams, M. 1995. *Final results from a meta-analysis of remedial interventions with drink/drive offenders*. Addiction, 90: 907-926.

Wheeler, Gerald, R., Hissong, Rodney. January 1988. *Effects of Criminal Sanctions on Drunk Drivers: Beyond Incarceration*. Crime & Delinquency, vol. 34, no. 1: 29-42.

Wilson, Deborah, G., December 1989. *"Feature Article" Alternatives to incarceration in Jefferson County, Kentucky: Intensive Probation, Home Incarceration, and work release*. [www.jrsainfo.org/pubs/forum/archives/Dec89.html](http://www.jrsainfo.org/pubs/forum/archives/Dec89.html)

Wisconsin Department of Transportation. 1995. *Governor's Task Force on Operating After Revocation and Operating While Intoxicated: Summary of Findings*.

## ***Appendix – Bibliography of Sources***

Wisconsin Department of Transportation. 2001. *1999 Wisconsin Alcohol Crash Facts*.  
<http://www.dot.state.wi.us/dtim/bts/safety-facts.htm>

Yu, J., 1991. *Calculating DWI/DWA recidivism with limited data using state driver license file for drinking-driving research*. J Drug Ed, vol. 21, no. 4: 285-292.

Yu, Jiang, 2000. *Punishment and alcohol problems recidivism among drinking-driving offenders*. Journal of Criminal Justice, vol. 28, no. 28: 261-270.

Yu, J., 1994. *Punishment celerity and severity: issuing a specific deterrence model on drunk driving recidivism*. Journal of Criminal Justice, vol. 22, no. 4: 335-366.

Zador, P., Lund, A., Fields, M., and Weinberg, K. *Fatal crash involvement and laws against alcohol-impaired driving*. Journal of Public Health Policy, vol. 10, 1989: 467-485

